

**SUPREME COURT MINUTES
WEDNESDAY, SEPTEMBER 19, 2001
SAN FRANCISCO, CALIFORNIA**

S098928 In re Leon Casey Alva
2nd Dist. on
B142625 Habeas Corpus
Div. 3 The People's petition for review GRANTED.
 Petitioner Leon Casey Alva's petition for review DENIED.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S098817 Covenant Care, Inc. et al., Petitioners
2nd Dist. v.
B145406 Los Angeles County Superior Court, Respondent
Div. 1 Lourdes M. Inclan et al., Real Parties in Interest
 Petition for review GRANTED.
 Chin, J., was recused and did not participate.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Brown, J.

S099120 In re Walter S., a Person Coming Under the Juvenile Court Law
2nd Dist. -----
B144386 The People, Plaintiff and Respondent
Div. 2 v.
Walter S., Defendant and Appellant
Petition for review GRANTED.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S099260 The People, Plaintiff and Respondent
4th Dist. v.
D034916 Mac David Cochran, Defendant and Appellant
Div. 1 Petition for review GRANTED.

George, C.J.
Kennard, J.
Baxter, J.
Chin, J.

S099339 Darlene Bonanno, an Incompetent Person, etc.,
1st Dist. Plaintiff and Respondent
A087846 v.
A088589 Central Contra Costa Transit Authority, Defendant and Appellant
Div. 4 And Companion Case
Petition for review GRANTED.

The issues to be briefed and argued shall be limited to whether the location of a bus stop may constitute a dangerous condition of public property under Government Code section 830 because bus patrons will be enticed to cross a dangerous crosswalk to reach the bus stop.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S099665 American Equity Insurance Company, Plaintiff and Appellant
1st Dist. v.
A092221 Daniel Beck, Defendant and Respondent
A092636 And Consolidated Case
Div. 3 Petition for review GRANTED.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S099938 Sandra G. Musser, Cross-complainant and Appellant
1st Dist. v.
A088934 Douglas Provencher et al., Cross-defendants and Respondents
Div. 2 Petition for review GRANTED.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S020032 People, Respondent
v.
Raymond Anthony Lewis, Appellant
Petition for rehearing DENIED.
Chin, J., was absent and did not participate.

S030416 People, Respondent
v.
Sergio Ochoa, Appellant
Petition for rehearing DENIED.

S098750 In re Michael Bobby Williams Jr.
 on
 Habeas Corpus

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S099823 David Forrest, Petitioner
 v.
 Court of Appeal, Fifth Appellate District, Respondent
 People, Real Party in Interest
 Petition for writ of mandate DENIED.
 Chin, J., was absent and did not participate.

S062533 In re James David Majors
 on
 Habeas Corpus
 The request for judicial notice is granted. (Petition for Writ of Habeas Corpus at p. 2.)
 The petition for writ of habeas corpus filed June 30, 1997, is denied on the merits.
 In addition, Claim VII is denied on the ground it was raised and rejected on appeal. (*In re Harris* (1993) 5 Cal.4th 813, 834; *In re Waltreus* (1965) 62 Cal.2d 218, 225.) Respondent's Motion for Determination of Default, etc., is denied as moot.
 Brown, J., would deny all claims solely on the merits.
 Chin, J., was absent and did not participate.

S075679 In re William D. Kirkpatrick
 on
 Habeas Corpus
 Petitioner having asked to withdraw this petition for a writ of habeas corpus, and this court having appointed the Honorable John Stephen Graham, Judge of the Marin Superior Court, to sit as a referee, and Judge Graham having taken evidence and made a finding of fact that petitioner is not suffering from any mental disease, disorder, or defect that might substantially affect his capacity to appreciate his position and to make a rational choice with respect to withdrawing the petition, this court now adopts that

finding, further finds that petitioner has made a knowing, intelligent, and voluntary waiver of his right to proceed on this petition, and grants petitioner's request to withdraw this petition.

The petition for writ of habeas corpus is dismissed.

Chin, J., was absent and did not participate.

S097280 In re William Kirkpatrick
 on
 Habeas Corpus

Because it appears that the relief petitioner seeks by this petition is the withdrawal and dismissal of the petition in S075679, and because the court this day has granted petitioner's request to withdraw the petition S075679, and has dismissed that petition, this matter is now moot and on that basis the petition is hereby dismissed.

Chin, J., was absent and did not participate.

S098005 In re Denice Weston
 on
 Habeas Corpus

Petition for writ of habeas corpus is DENIED.

1st Dist. People, Respondent
A084899 v.
Div. 4 Tremaine Wheaton, Appellant
S099175 Petition for review DENIED.

Chin, J., was absent and did not participate.

1st Dist. People, Respondent
A087396 v.
Div. 3 Philip Paul Jackson, Appellant
S099886 Petition for review DENIED.

Chin, J., was absent and did not participate.

1st Dist. People, Respondent
A088617 v.
Div. 1 Nathan James Smart, Appellant
S099233 Petition for review DENIED.

Chin, J., was absent and did not participate.

1st Dist. A089743 Div. 1 S099400	People, Respondent v. Rahsaan Coleman, Appellant Petition for review DENIED. Chin, J., was absent and did not participate.
1st Dist. A089906 Div. 2 S099389	In re Gabriel V., a Person Coming Under the Juvenile Court Law ----- People, Appellant v. Gabriel V., Appellant Petition for review DENIED. Chin, J., was absent and did not participate.
1st Dist. A090424 Div. 2 S099093	People, Respondent v. Nikolay Mgebrov, Defendant and Appellant Petition for review DENIED. Chin, J., was absent and did not participate.
1st Dist. A090704 A094501 Div. 3 S098687	People, Respondent v. Nicholas Dane Beardon, Appellant ----- In re Nicholas Dane Beardon on Habeas Corpus Petition for review DENIED. The request for an order directing publication of the opinion is denied. Chin, J., was absent and did not participate.
1st Dist. A091571 Div. 5 S098963	In re Golden Eagle Insurance Company in Conservation of Assets ----- Harry W. Low, Plaintiff and Respondent v. Golden Eagle Insurance Company, Defendant and Respondent Good, Wildman, Hegness and Walley, Claimant and Appellant Petition for review DENIED. Chin, J., was absent and did not participate.

1st Dist. Dana K. Raimondi, Respondent
A091865 v.
Div. 1 Ford Motor Company, Appellant
S099025 Petition for review DENIED.
Chin, J., was absent and did not participate.

1st Dist. In re Joseph H., a Person Coming Under the Juvenile Court Law
A093049 -----
Div. 2 People, Respondent
S099843 v.
Joseph H., Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

1st Dist. In re Paul Joseph Martinez
A094905 on
Div. 5 Habeas Corpus
S098798 Petition for review DENIED.
Chin, J., was absent and did not participate.

1st Dist. In re Donnell Young
A095692 on
Div. 5 Habeas Corpus
S099882 Petition for review DENIED.
Chin, J., was absent and did not participate.

1st Dist. In re Gary Mosbarger
A095733 on
Div. 5 Habeas Corpus
S099916 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B119462 v.
Div. 2 Aaron Tyrone Hicks et al., Appellants
S099906 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. Los Angeles Unified School District
B129628 v.
Div. 4 Wilshire Center Marketplace, Appellant
S099484 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B134764 v.
Div. 4 Jasari Latiful Donaldson et al., Appellants
S099488 Petitions for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. Michelle Gilley et al., Appellants
B134812 on
Div. 1 City of Arcadia et al., Respondents
S099496 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B135651 v.
B142884 Mario Padilla, Appellant
Div. 4 -----
S098893 In re Mario Padilla on Habeas Corpus
Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B138694 v.
Div. 4 Shaun R. Scott, Appellant
S099239 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B139599 v.
Div. 2 Jason Earl Jones, Appellant
S099930 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. Save Open Space/Santa Monica Mountains, Appellant
B140739 -----
Div. 6 County of Ventura, Respondent
S099040 Ahmanson Land Company et al., Real Parties in Interest
Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. Falcon Group S.A.R.L., Plaintiff and Appellant
B141604 v.
Div. 5 Chuck Norris International et al., Defendants and Appellants
S099495 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. Norris & Galanter, Appellant
B141664 v.
Div. 2 Brentwood/IMA Incorporated, Respondent
S099654 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B142940 v.
Div. 6 Jehmill Westerfield, Appellant
S099853 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B143039 v.
Div. 3 Billy Anthony Lifshin, Appellant
S099846 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. Marie and Robert Olague, Appellants
B144228 v.
Div. 7 Nautilus Insurance Company, Respondent
S099225 Petition for review DENIED.
The request for an order directing publication of the opinion is
denied.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B144897 v.
Div. 2 Timothy David Hill, Appellant
S099825 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. Janine Pennock, Appellant
B144906 v.
Div. 5 Alexander Villacana, Respondent
S099764 Petition for review DENIED.
The request for an order directing publication of the opinion is denied.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B144924 v.
Div. 6 Berry Gordon Denton, Appellant
S099889 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B145048 v.
Div. 6 Aron Castlin, Appellant
S099936 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. People, Respondent
B145543 v.
Div. 5 Tatanashad L. Jones, Appellant
S099870 Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. In re Dean L., a Person Coming Under the Juvenile Court Law
B146291 -----
Div. 3 People, Respondent
S099898 v.
Dean L., Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. Christopher Charles Collins, Petitioner
B147822 v.
Div. 6 Ventura County Superior Court, Respondent
S099282 People, Real Party in Interest
Petition for review DENIED.
The request for an order directing depublication of the opinion is denied.
Chin, J., was absent and did not participate.

2nd Dist. Angel Cosio, Petitioner
B150009 v.
Div. 6 Workers' Compensation Appeals Board, Respondent
S098728 Wineman Ranch et al., Respondents
Petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. Peter Joseph Cavanagh, Petitioner
B151723 v.
Div. 6 Ventura County Superior Court, Respondent
S099904 People, Real Party in Interest
Application for stay and petition for review DENIED.
Chin, J., was absent and did not participate.

2nd Dist. Pacific Care of California, Petitioner
B151946 v.
Div. 4 Los Angeles County Superior Court, Respondent
S099988 Saint Agnes Medical Center et al., Real Parties in Interest
Application for stay and petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. People, Respondent
C029462 v.
S099277 Ray Edward Bowen, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. People, Respondent
C031453 v.
S099913 Jerome Markey, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. C031460 S099119	People, Respondent v. Daniel Robinson, Appellant Petition for review DENIED. Chin, J., was absent and did not participate.
3rd Dist. C033203 S099158	People, Respondent v. Steven Robert Cerniglia, Appellant Petition for review DENIED. Chin, J., was absent and did not participate.
3rd Dist. C034313 S099832	People, Respondent v. Bryan Anthony Scolet, Appellant Petition for review DENIED. Chin, J., was absent and did not participate.
3rd Dist. C034321 S099006	In re Michael Wayne Stevens on Habeas Corpus Petition for review DENIED. Kennard, J., is of the opinion the petition should be granted. Chin, J., was absent and did not participate.
3rd Dist. C035094 S099856	People, Respondent v. Kelly Denise Wilson, Appellant Petition for review DENIED. Chin, J., was absent and did not participate.
3rd Dist. C035214 S099857	People, Respondent v. Jacob Anthony Torres, Appellant Petition for review DENIED. Chin, J., was absent and did not participate.
3rd Dist. C035496 S099311	People, Respondent v. Semanu Milo, Appellant Petition for review DENIED. Chin, J., was absent and did not participate.

3rd Dist. Rebecca Craddock et al., Appellants
C035688 v.
S099480 Kmart Corporation, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. People, Respondent
C035787 v.
S099977 Charles Anthony Norman, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. People, Respondent
C035899 v.
S099506 Toby Darren Holmes, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. People, Respondent
C036033 v.
S099300 Steve Byrd, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. In re Michelle M., a Person Coming Under the Juvenile Court Law
C036060 -----
S099909 People, Respondent
v.
Michelle M., Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. People, Respondent
C036321 v.
S099893 Phillip Edward Tracy, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. People, Respondent
C036488 v.
S099940 William Michael Vogel, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. People, Respondent
C036573 v.
S099873 Dennis Roy Peterson, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. In re Nicholas S., a Person Coming Under the Juvenile Court Law
C037033 -----
S099883 People, Respondent
v.
Nicholas S., Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. Robin Maureen Ediger, Petitioner
C038707 v.
S099903 Sacramento County Superior Court, Respondent
Loren Donald Ediger, Real Party in Interest
Petition for review DENIED.
Chin, J., was absent and did not participate.

3rd Dist. Lisa Modina Lafont, Petitioner
C038785 v.
S099891 Yolo County Superior Court, Respondent
People, Real Party in Interest
Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. People, Respondent
D034423 v.
Div. 1 Theo Hernandez, Appellant
S099429 Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. People, Respondent
D034448 v.
D036721 Anthony Watson, Appellant
D037664 -----
Div. 1 In re Anthony Watson on Habeas Corpus
S099852 And Companion Case
Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. People, Respondent
D035553 v.
Div. 1 Lawrence Berry Jr., Appellant
S099031 Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. People, Respondent
D036455 v.
Div. 1 Robert Guzman, Appellant
S099486 Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. Service Employees International Union, Petitioner
D037381 v.
Div. 1 Orange County Superior Court, Respondent
S099498 Orange County Employees Association Incorporated,
Intervener and Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. San Diego Unified School District, Petitioner
D038032 v.
Div. 1 Workers' Compensation Appeals Board et al., Respondents
S099482 Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. People, Respondent
E026720 v.
Div. 2 David A. Stewart, Appellant
S099330 Petition for review DENIED.
Kennard, J., and Werdegarr, J., are of the opinion the petition
should be granted.
Chin, J., was absent and did not participate.

4th Dist. People, Respondent
E027211 v.
Div. 2 William Willie Vernon, Appellant
S099879 Petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.
Chin, J., was absent and did not participate.

4th Dist. People, Respondent
E028113 v.
Div. 2 Thomas Jerome Watson, Appellant
S099714 Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. People, Respondent
E028428 v.
Div. 2 Patrick Bradford, Defendant
S099897 Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. People, Respondent
E028442 v.
Div. 2 Kent Edward Browner, Appellant
S099833 Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. Demonte Marquet Dixon, Appellant
E028569 v.
Div. 2 People, Respondent
S099827 Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. People, Respondent
E028927 v.
Div. 2 Richard Anthony Contreras, Appellant
S099928 Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. Presley Homes Incorporated, Appellant
G023182 v.
Div. 3 American States Insurance Company, Respondent
S099244 Petition for review DENIED.
Kennard, J., is of the opinion the petition should be granted.
The request for an order directing depublication of the opinion is denied.
Chin, J., was absent and did not participate.

4th Dist. Santa Ana Unified School District, Respondent
G027331 v.
Div. 3 Orange County Development Agency et al., Appellants
S099761 Petition for review DENIED.
The requests for an order directing depublication of the opinion are DENIED.
Chin, J., was recused and did not participate.

4th Dist. In re Johnny M. et al., Persons Coming
G028551 Under the Juvenile Court Law
Div. 3 -----
S100002 Orange County Social Services Agency, Respondent
v.
Josephine E., Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

4th Dist. Monaco Financial Company LLC et al., Petitioners
G029557 v.
Div. 3 Orange County Superior Court, Respondent
S100196 Steven L. Contursi, Real Party in Interest
Application for stay and petition for review DENIED.
Chin, J., was absent and did not participate.

5th Dist. People, Respondent
F032743 v.
S099045 Frankie Javier Salazar, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

5th Dist. People, Plaintiff and Appellant
F033163 v.
F033549 Adlo Luis Avalos Cerpa et al., Defendants and Respondents
S099941 Petitions for review DENIED.
Baxter, J., was recused and did not participate.
Chin, J., was absent and did not participate.

5th Dist. Richard Boyd Industries Inc., Appellant
F033234 v.
S098943 State Board of Equalization, Respondent
Petition for review and request to strike portions of the Court of
Appeal opinion DENIED.
Chin, J., was absent and did not participate.

5th Dist. People, Respondent
F033779 v.
S099953 Robert Eugene Sanders, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

5th Dist. People, Respondent
F033963 v.
S099177 Lucas Maximiliano Populin, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

5th Dist. People, Respondent
F035715 v.
S099308 Mark Chavez, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

5th Dist. People, Respondent
F036016 v.
S099931 Richard Jay Johnston, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

5th Dist. People, Respondent
F036189 v.
S099899 Jose Montes Gutierrez, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

5th Dist. People, Respondent
F036521 v.
S099896 Esequiel Pena, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

5th Dist. People, Plaintiff and Appellant
F036841 v.
S099888 Ricky Michael Azevedo, Defendant and Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

5th Dist. Donald Ray Young, Petitioner
F038332 v.
S099291 Tulare County Superior Court, Respondent
People, Real Party in Interest
Exhibit F only of the original petition for mandate shall be held
under seal. (Cal. Rules of Court, rule 12.5, subds. (c), (e).)
Petition for review DENIED.

6th Dist. Avant! Corporation, Plaintiff, Cross-defendant and Appellant
H018009 v.
S099513 Silvaco International, Inc. et al., Defendants,
Cross-complainants and Respondents
Shawn Hailey, Cross-defendant and Appellant
Petition for review DENIED.
George, C.J., was recused and did not participate.
Chin, J., was absent and did not participate.

6th Dist. People, Respondent
H020211 v.
S099174 James William Niebauer, Appellant
Petition for review DENIED.
Chin, J., was absent and did not participate.

6th Dist. Erasmo Rico Estrada, Appellant
H020220 v.
S099338 Truck Insurance Exchange, Respondent
 Petition for review DENIED.
 The request for an order directing publication of the opinion is
 denied.
 Chin, J., was absent and did not participate.

6th Dist. People, Respondent
H020387 v.
S099199 Louis Torres, Appellant
 Petition for review DENIED.
 Chin, J., was absent and did not participate.

6th Dist. Richard R. Nell, Respondent
H020519 v.
S099700 Vision Service Plan, Appellant
 Petition for review DENIED.
 Kennard, J., is of the opinion the petition should be granted.
 Chin, J., was absent and did not participate.

6th Dist. People, Defendant and Appellant
H020588 v.
S099255 Tuan Van Le, Defendant and Appellant
 Petition for review DENIED.
 Chin, J., was absent and did not participate.

6th Dist. People, Respondent
H020689 v.
S098939 Richard Glenn Coelho, Appellant
 Petition for review DENIED.
 Chin, J., was absent and did not participate.

6th Dist. In re Thomas Patton
H022486 on
S098792 Habeas Corpus
 Petition for review DENIED.
 Chin, J., was absent and did not participate.

- 2nd Dist. Gary Robbins, Plaintiff and Appellant
B142382 v.
Div. 7 City of South Pasadena et al., Defendants and Respondents
S098145 The request for an order directing publication of the opinion in
the above-entitled appeal is denied.
Chin, J., was absent and did not participate.
- S095385 People, Respondent
v.
Cuahutemoc Sanchez Valencia, Appellant
On application of appellant and good cause appearing, it is
ordered that the time to serve and file appellant's answer brief on the
merits is extended to and including October 8, 2001.
- S012279 People, Respondent
v.
David Allen Lucas, Appellant
Appellant's "Motion for Orders re: Settlement, Correction and
Completion of Record," filed on November 10, 1997, and
"Supplemental Motion for Orders re: Settlement, Correction and
Completion of Record," filed on November 25, 1997 (hereafter
collectively referred to as "appellant's motion") are granted in part
and denied in part.
Appellant's motion is granted in the following respects:
A. Missing Volumes of Reporter's Transcript on Appeal
The clerk is directed to transmit to appellant copies of Pretrial
Volumes 41 (October 8, 1986), 66 (January 14-15, 1987), and 68
(January 16, 20, 21, 22, 1987) of the reporter's transcript on appeal.
B. Sealed Volumes of Reporter's Transcript on Appeal
(1) The clerk is directed to unseal Pretrial Volume 1-A-2 (Apr.
16, 1985), pages 3-7 and 18-25, of the reporter's transcript on
appeal, and is further directed to transmit to appellant a copy of the
entire volume and to transmit to respondent a copy of pages 3-7 and
18-25 only.
(2) The clerk is directed to unseal Pretrial Volume 39-C (Aug. 7,
1986), pages 7620-7637, of the reporter's transcript on appeal, and is
further directed to transmit a copy thereof to appellant and to
respondent.
(3) The clerk is directed to unseal Pretrial Volume 47-A

(Nov. 6, 1986), pages 8696-8707, of the reporter's transcript on appeal, and is further directed to transmit a copy thereof to appellant and to respondent.

(4) The clerk is directed to unseal Pretrial Volume 70-A (Feb. 9, 1987), pages 9-20, of the reporter's transcript on appeal, and is further directed to transmit a copy thereof to appellant and to respondent.

(5) The clerk is directed to unseal Pretrial Volume 77-A (Mar. 4, 1987), pages 21-33, of the reporter's transcript on appeal, and is further directed to transmit to appellant a copy of the entire volume and to transmit to respondent a copy of pages 21-32:12, only.

(6) The clerk is directed to unseal Pretrial Volume 80-B (Mar. 17, 1987), pages 1-4, of the reporter's transcript on appeal, and is further directed to transmit a copy thereof to appellant and to respondent.

(7) The clerk is directed to unseal Pretrial Volume 85-A (Mar. 30, 1987), page 34, of the reporter's transcript on appeal, and is further directed to transmit a copy thereof to appellant and to respondent.

(8) The clerk is directed to unseal Pretrial Volume 229-A (Apr. 6, 1988), pages 23115-23176, of the reporter's transcript on appeal, and is further directed to transmit a copy thereof to appellant and to respondent.

(9) The clerk is directed to unseal Pretrial Volume 231-A (Apr. 15, 1988), pages 1-33, of the reporter's transcript on appeal, and is further directed to transmit a copy thereof to appellant and to respondent.

(10) The clerk is directed to unseal Pretrial Volume 235-A (Apr. 22, 1988), pages 1-48, of the reporter's transcript on appeal, and is further directed to transmit a copy thereof to appellant and to respondent.

(11) The clerk is directed to unseal Pretrial Volume 239-A (May 3, 1988), pages 1-16, of the reporter's transcript on appeal, and is further directed to transmit a copy thereof to appellant and to respondent.

(12) The clerk is directed to unseal Trial Volume 3-1 (Jan. 6, 1989), pages 427-432, of the reporter's transcript on appeal, and is further directed to transmit a copy thereof to appellant and to respondent.

C. Missing Sealed Volumes of Reporter's Transcript on Appeal
The San Diego County Superior Court is directed to order the

court reporter to prepare an original and five clearly legible copies of the reporter's transcript of the in camera hearings conducted on April 1 and April 2, 1986, and June 7, 1986 (see C.T., vol. 22, at pp.4662-4664; *id.*, vol. 68, at pp. 15083-15085; *id.*, vol. 43, at p. 9492; see also *id.*, vol. 22, at pp. 4747-4748), in *People v. David Allen Lucas*, San Diego County Superior Court Case No. CR 73093/CR 75195, in the manner and form required by rule 9 of the California Rules of Court, and to attach to the original and each copy a certificate that the document is correct. The superior court is further directed to cause its clerk to seal the original and the copies, and to transmit them to this court under seal. In the event that the reporter is unable to prepare a reporter's transcript of the oral proceedings in question, the superior court is directed to submit a statement to that effect to the clerk of this court for filing and to serve appellant and respondent with a copy.

D. Missing Exhibits

The San Diego County Superior Court is directed to conduct proceedings: (1) to determine (a) which, if any, exhibits among exhibits number 759a, 759b, and 760, in *People v. David Allen Lucas*, San Diego County Superior Court Case No. CR 73093/CR 75195, are unavailable by reason of destruction or other cause, and (b) the reason for the unavailability; (2) as to any unavailable exhibit or exhibits among exhibits number 759a, 759b, and 760, that can be reconstructed, to (a) supervise the reconstruction, and (b) certify its accuracy, and (3) as to any unavailable exhibit or exhibits among exhibits number 759a, 759b, and 760, that cannot be reconstructed, to prepare and certify a statement describing the contents.

In all other respects, appellant's motion is denied.

Chin, J., was absent and did not participate.

S095827 In re **Leon Jenkins** on Discipline

Petition for writ of review DENIED.

It is hereby ordered that **Leon Jenkins, State Bar No. 96406**, be disbarred and that his name be stricken from the roll of attorneys. It is also ordered that Jenkins comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date of this order.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

Chin, J., was absent and did not participate.

